

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) CASE NO. 8:12CR83  
Plaintiff, )  
vs. )  
JORGE MONTEJANO, ) TENTATIVE FINDINGS  
Defendant. )

The Court has received the Revised Presentence Investigation Report ("PSR") in this case. The government adopted the PSR. (Filing No. 72.) The Defendant filed objections to the PSR (Filing No. 67).<sup>1</sup> See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

The Defendant's objections to the PSR are denied for lack of compliance with ¶ 4 of the Order on Sentencing Schedule and because they do not affect the sentencing guideline calculation.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the PSR is correct in all respects;
2. The Defendant's objections to the PSR (Filing No. 67) are denied;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

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<sup>1</sup>The objections were not raised initially to the Probation Officer as required in ¶ 4 of the Order on Sentencing Schedule.

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 18th day of September, 2012.

BY THE COURT:

S/ Laurie Smith Camp  
Chief United States District Judge